

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-00499-FDW-DCK**

| | | |
|-------------------------------|---|---------------------|
| DANIEL T. GRANT LOVE, |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>ORDER</u> |
| |) | |
| |) | |
| SOUTHEASTERN HOSPITAL, |) | |
| |) | |
| |) | |
| Defendant. |) | |
| |) | |

THIS MATTER is before the Court on initial review of Plaintiff's Complaint. [Doc. 1].

I. BACKGROUND

Pro se Plaintiff Daniel T. Grant Love ("Plaintiff") is currently a pretrial detainee incarcerated at Pinellas County Jail in Clearwater, Florida. On September 21, 2021, Plaintiff filed this action, which he purports to bring pursuant to 42 U.S.C. § 1983 against Defendant Southeastern Hospital located in Lumberton, North Carolina.¹ [Doc. 1]. Petitioner's Complaint relates to care he received in January 2020, presumably before he was incarcerated. [See id. at 12-15]. Plaintiff does not state the relief he seeks in this action. [Id. at 5].

II. DISCUSSION

In an action arising under 42 U.S.C. § 1983, venue is established by 28 U.S.C. § 1331, which provides: (b) A civil action may be brought in: (1) a judicial district where any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district

¹ Lumberton, North Carolina, is in Robeson County, which is in the Eastern District.

in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

Therefore, under Section 1391, Plaintiff's action may be heard in a venue where the defendant resides, or in the venue where the issue substantially arose, which here is the Eastern District of North Carolina. Pursuant to 28 U.S.C. § 1406(a), the Court may dismiss this action, or, if it is in the interest of justice, transfer this action to the United States District Court for the Eastern District of North Carolina. The Court will transfer this action. In transferring the action, the Court does not comment on the merits of Plaintiff's purported claims.

III. CONCLUSION

For the reasons stated herein, the Court transfers this action to the Eastern District of North Carolina.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's action is transferred to the Eastern District of North Carolina.

The Clerk is respectfully instructed to terminate this action.

Signed: September 29, 2021


Frank D. Whitney
United States District Judge